

# Notice of Allowability

Application No.

09/866,897

Examiner

Hussein A. El-chanti

Applicant(s)

LEIGHTON ET AL.

Art Unit

2157

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/3/2006.
2. ☒ The allowed claim(s) is/are 1 and 7-17.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).


\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
ARIELLE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

### EXAMINER'S AMENDMENT

1. This action is responsive to amendment received on April 3, 2006.
2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. David Judson on April 20, 2006.

3. The application has been amended as follows:

**Claims 2 and 4-6:** canceled.

**Claim 12.** (currently amended) A method of determining which of a set of mirror sites should receive ~~optimizing a client request to a domain that is replicated at a~~ the set of mirror sites, comprising:

~~generating a network map that estimates relative connectivity to the mirror sites from a set of proxy points, , wherein each proxy point is determined by directing a trace route from each of a set of mirror sites toward a given local name server and determining a given point in the Internet where the trace routes from each of the set of mirror sites intersect, and wherein the relative connectivity is determined by probing each of the proxy points from each of the set of mirror sites;~~

generating a network map during a map generation process according to the following sub-steps:

dynamically determining a set of proxy points, wherein each proxy point of the set of proxy points is determined by directing a trace route from each of a set of mirror sites toward a given local name server and determining a given point in the Internet where the trace routes from each of the set of mirror sites intersect;

probing each of the proxy points from each of the set of mirror sites to generate given data;  
generating a score for each mirror site based on the given data generated by probing the proxy points;  
identifying which mirror site provides a best performance based on the score; and  
associating a given name server IP address with the identified mirror site to generate the network map; and  
upon completion of the map generation process, and responsive to a local name server making a request associated with the domain, receiving the request at a name server associated with the network map; and  
having the name server associated with the network map use the network map to return to the local name server an IP address identifying a preferred mirror site at which the request may be serviced.

**Claim 13.** (currently amended) The method as described in Claim 12 wherein the ~~client~~ request originates at a client machine and the domain is associated with a content provider Web site.

**Claim 14.** (currently amended) The method as described in Claim 12 wherein the ~~client~~ request originates from a content delivery network edge server and the set of mirror sites comprise storage servers.

**Claim 15.** (currently amended) The method as described in Claim 12 wherein the ~~client~~ request originates at a streaming server and the set of mirror sites comprises a plurality of signal acquisition points.

**Claim 16.** (currently amended) The method as described in Claim 12 wherein the ~~client~~ request originates at a logging process and the set of mirror sites comprises a plurality of log archival servers.

**Claim 17.** (currently amended) The method as described in Claim 12 wherein the client request originates at a mail process and the set of mirror sites comprises a plurality of mail servers.

4. Claims 1 and 7-17 are allowed.

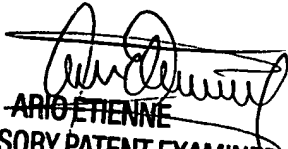
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hussein A. El-chanti whose telephone number is (571)272-3999. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hussein El-chanti

April 21, 2006

  
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